NRC FO	RM 464 Part I U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA	RESPONSE NUMBER							
(6-1998)		2004-0140	6							
MILLED STATE	RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST	RESPONSE TYPE								
REQUES	TER Thomas Henry	DATE MAY 2 6 2004								
PART I INFORMATION RELEASED										
	No additional agency records subject to the request have been located.									
	Requested records are available through another public distribution program. See Comments section.									
	APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.									
\mathbf{V}	Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.									
	Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.									
\mathbf{V}	APPENDICES K, L Agency records subject to the request are enclosed.									
	Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.									
	We are continuing to process your request.									
See Comments.										
[PART I.A FEES									
 AMOUNT You will be billed by NRC for the amount listed. None. Minimum fee threshold not met. You will receive a refund for the amount listed. Fees waived. 										
* See comments for details										
		FROM DISCLOSURE	· · · · · · · · · · · · · · · · · · ·							
PART I.B - INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE No agency records subject to the request have been located.										
This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."										
PART I.C COMMENTS (Use attached Comments continuation page If required)										
The fees for processing your request are:										
Duplication of 791 pages (minus 100 free pages) @ \$0.20 per page = 138.20										
Total = \$138.20										
SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER										
Carol Ann Reed Child Ham Kied										
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L. P.M. Exemption N. (e) of the PA and/or the FOIA as indicated below (5 U.S.C. 552(b)). Exemption 1: The withheid information is properly classified pursuant to Executive Order (1298). Exemption 3: The withheid information is properly classified pursuant to Executive Order (1298). Exemption 3: The withheid information is properly classified pursuant to Executive Order (1298). Section 141 - 45 of the Atomic Energy Act, which prohibits the disclosure of thestified Data or Formerly Pastricled Data (42 U.S.C. 2167). 41 U.S.C., Section 233(b), subsection (m(1), prohibits the disclosure of Undessified Salequards Information (42 U.S.C. 2167). 42 U.S.C., Section 233(b), subsection (m(1), prohibits the disclosure of Undessified Sale or Formerly Pastricled Data (42 U.S.C. 2167). 43 U.S.C., Section 233(b), subsection (m(1), prohibits the disclosure of Undessified Sale or Decomporated Information the contract proposals in the proposals on and control of an association as considered to be properlately because It concerns a learners' or applicant's physical protection or material control an association to respecial rules and underses (proprietary) information. The Information is especial rules are witheid in Information world for the proposal. Ø Deliberative process: Disclosure of predecigional Information exolution for the pathweight inclusion and trank exampe of Idase essential to the disclosure process. Disclosure or withheid in the effect, the facts would permit an inflate classical and frame example of Idase essential to the disclosure process of the signification and trank exampe of Idase essential to the disclosure outher estempt of the proposal.	NRC FORM 464 Part II	U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA	DATE						
PART II.A APPLCABLE EXEMPTIONS Provide subject to the request hat is destricted to the endoted Approximations are being withheld in their entirety or in part under 1 Image: State in the endoted Approximation is properly classified pursuant to Executive Order 12858. Exemption 1: The withheld information is properly classified pursuant to Executive Order 12858. Exemption 2: The withheld information is properly classified pursuant to Executive Order 12858. Exemption 3: The withheld information is specifically exempted from public disclosure by statula Indicated. Optimization 141-155 of the Atomic Energy Act, which prohibits the disclosure of Activated Data or Formerly Restricted Data (42 U.S. C. 2167). If U.S.C. Social 233(b), subjection (m(1), prohibits the disclosure of Activated Data or Formerly Restricted Data (42 U.S. C. 2167). If U.S.C. Social 233(b), subjection (m(1), prohibits the disclosure of Activated Data or Formerly Restricted Data (42 U.S. C. 2167). If U.S.C. Social 233(b), subjection (m(1), prohibits the disclosure of Activated Data or Formerly Restricted Data (42 U.S. C. 2167). If Definition 1: Considered to be confidential busines (screptician) information. The information is considered to be confidential busines (screptician) information. The information is considered to be confidential busines (screptician) information. The information is considered to be confidential busines (screptician) information. The information is considered to be confidential busines (screptician) in			2004-0140	MAY 2 6 201)4					
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□ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. □ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law. □ (F) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law. □ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual. ○ OTHER (Specify) Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheid is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials Identified below as denying officials and the FOIA/PA Officer for a denials that may be appealed to the Executive Director for Operations (EDO). DENYING OFFICIAL TITLE/OFFICE RECORDS DENIED APPELLATE OFFICI/EDO SECY James L. Caldwell Regional Administrator, RIII Appendix L/1-8, L/12-14, Appendix M Image: Appendix M Guy P. Caputo Director, Office of Investigations Appendix L/1-14, M/2 Image: Appendix L/1-14, M/2 Image: Appendix L/1-14, M/2 Image: Appendix L/1-14, M/2 Image	(A) Disclosure could reasonably be expected to Interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC									
Identities of confidential sources. Image: Confidential sources.	(C) Disclosure wou	Id constitute an unwarranted invasion of personal	privacy.							
Image: Pressionably be expected to risk circumvention of the law. Image: Pressionably be expected to endanger the life or physical safety of an Individual. Image: OTHER (Specify) Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for a denials that may be appealed to the Executive Director for Operations (EDO). Image: DenyING OFFICIAL TITLE/OFFICE RECORDS DENIED APPELLATE OFFICIAL EDO SECY IC James L. Caldwell Regional Administrator, RIII Appendix L/1-8, L/12-14, Appendix M V Guy P. Caputo Director, Office of Investigations Appendix L/1-14, M/2 V	(D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal									
OTHER (Specify) PART II.B - DENYING OFFICIALS Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for a denials that may be appealed to the Executive Director for Operations (EDO). DENYING OFFICIAL TITLE/OFFICE RECORDS DENIED APPELLATE OFFICI/EDO SECY James L. Caldwell Regional Administrator, RIII Appendix L/1-8, L/12-14, V V Guy P. Caputo Director, Office of Investigations Appendix L/1-14, M/2 V I	(E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.									
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	Guy P. Caputo	Director, Office of Investigations		M/2 🗸						
Appeal must be made in writing within 20 days of receipt of this response. Appeals should be mailed to the EOLA/Drivery Act Office										
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Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Office	Appeal must be made in wr	iting within 30 days of receipt of this response		led to the FOIA/Privac	y Act Officer.					
U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."										

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FOIA-2004-0140

APPENDIX K RECORDS BEING RELEASED IN THEIR ENTIRETY

NO. DATE DESCRIPTION/(PAGE COUNT)

1. 2/19/04 E-Mail from Mendiola to Ruland, Draft Comm plan for order transmittal attaching 2/18/04 E-Mail from Strasma to Mendiola (2 pages)

FOIA-2004-0140

APPENDIX L RECORDS WITHHELD IN PART

NO. DATE DESCRIPTION/(PAGE COUNT)/EXEMPTIONS

- 1. Undated Updated/Revised Hot List (2 pages) Ex. 5, 7A, 7C
- 2. Undated Updated/Revised Hot List (4 pages) Ex. 5, 7A, 7C
- 3. Undated Updated/Revised Hot List (2 pages) Ex. 5, 7A, 7C
- 4. Undated Updated/Revised Hot List (2 pages) Ex. 5, 7A, 7C
- 5. Undated Updated/Revised Hot List (2 pages) Ex. 5, 7A, 7C
- 6. 2/17/04 E-Mail from Caldwell to Lipa, Davis Besse (1 page) Ex. 7A, 7C
- 7. 2/17/04 E-Mail from Grobe to Lipa, Davis Besse (12 pages) Ex. 5, 7A, 7C
- 8. 2/17/04 E-Mail from Grobe to Lipa, Davis Besse (2 pages) Ex. 5, 7A, 7C
- 9. 2/17/04 0350 Panel Briefing for James Caldwell, Davis Besse Oversight Activities, Panel Restart Recommendations (11 pages) (10 pages Released) Ex. 7A
- 10. 2/23/04 0350 Panel Briefing for NRC Senior Management, Davis Besse Oversight Activities, Panel Restart Deliberation Briefing (16 pages) (15 pages Released) Ex. 5, 7A
- 11. 2/23/04 0350 Panel Briefing for James Caldwell, Davis Besse Oversight Activities, Panel Restart Recommendations (13 pages) (12 pages Released) Ex. 7A
- 12. 2/23/04 0350 Panel Briefing for NRC Senior Management Davis Besse Oversight Activities, Panel Restart Deliberation Briefing (25 pages) (24 pages Released) Ex. 5, 7A
- 13. 2/23/04 0350 Panel Briefing for NRC Senior Management Davis Besse Oversight Activities, Panel Restart Deliberation Briefing (21 pages) (20 pages Released) Ex. 5, 7A
- 14.2/23/04Davis Besse 0350 Panel Restart Deliberation Briefing (145 pages) (122
pages Released) (19 pages Outside Scope and therefore not provided)
Ex. 5, 7A

FOIA-2004-0140

APPENDIX M RECORDS WITHHELD IN THEIR ENTIRETY

NO. DATE DESCRIPTION/(PAGE COUNT)/EXEMPTIONS

- 1. 2/24/04 E-Mail from Grobe to DB0350, Conversation with Cl (3 pages) Ex. 7A
- 2. 2/20/04 E-Mail from Lipa to Mendiola, 2-20-04 Caldwell-Dyer-Collins Brief 2-23-04 attaching draft (14 pages) Ex. 5, 7A